

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8078 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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VARDAN INTERMEDIATES & PIGMENTS PVT LTD

Versus

STATE OF GUJARAT  
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Appearance:

MR DS VASAVADA for Petitioner  
MR MR RAWAL for Respondent No.1  
MR TRIVEDI for Respondent No. 2  
MR HB SHAH for Respondent No. 3  
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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE S.M.SONI

Date of decision: 14/10/97

ORAL JUDGEMENT (Per Patel, J.)

Amendment is granted.

2. Rule. Learned advocates appearing for the

respondents waive service of rule. At the joint request of learned advocates, the matter is taken up for final disposal.

3. The applicant unit, Vardhan Intermediates & Pigments Pvt. Ltd., has preferred this application praying to quash and set aside the order dated 22nd August 1995 passed by the authorities at Annexure 'K' to the petition (amended), and for refund of an amount of Rs.16,25,133/- along with interest accrued thereon till date. The unit has also prayed for withdrawal of the order of disconnection of power and water to the unit.

4. The unit is engaged in the manufacture of pigment Green 7 and CPC Green. The products are known as Phalocyanine Green and HCL 28-30%. The petitioner has its factory at GIDC Estate, Vatva, Ahmedabad. The petitioner has become a member of the Green Environment Service Co-operative Society which is likely to treat the common effluent at Vatva. It is stated on behalf of the petitioner that Gujarat Pollution Control Board (GPCB, for brevity, hereinafter) granted clearance on 11.4.1994; The petitioner had established the factory and had provided efficacious and adequate treatment plant so as to see that no breach of pollution laws is committed by the unit; For this purpose, the petitioner has provided primary treatment plant, secondary treatment plant as also a system for control of air pollution. The petitioner unit was permitted to manufacture the products on trial basis and this Court has also permitted the unit to clear the goods on several occasions.

5. For the purpose of finding out whether the unit has efficacious and adequate treatment plant, the unit invited NEERI and ATIRA for inspection. GPCB has visited the unit on several occasions. Reports which are placed on record before the Court indicate that the unit is meeting with the norms prescribed by the GPCB. The unit has placed on record the details of the treatment plant with its affidavit dated 4th September 1997 which is sworn by Dinesh Keshavlal Shah. Along with the affidavit, drawing of the treatment plant is also annexed. As per the suggestions made by NEERI and ATIRA, the unit has upgraded its treatment plant by making necessary modifications in the treatment plant. On 20.6.1997 also, the unit has filed an affidavit indicating compliance as per the suggestions made by NEERI. The report thereafter submitted by GPCB indicates that the unit is meeting with the norms. The unit has been under constant monitoring of the GPCB, and the GPCB has satisfied itself about the performance of the unit.

Under the circumstances, we quash and set aside the order at Annexure 'K' dated 22.8.1995, more particularly when the unit is now meeting with the norms as per the GPCB and as the cause for passing the aforesaid order does not survive today. We direct Ahmedabad Electricity Company, respondent No.3, not to disconnect the power supply on the basis of the order passed by the State Government, vide Annexure 'K'.

6. Learned advocate for the unit states that the unit is not pressing at this stage the prayer contained in paragraph 18 (aaa) for refund of amount of Rs.16,25,133/- with interest.

7. GPCB is directed to file a report on 17th November 1997 indicating the performance of the effluent treatment plants of the unit.

8. This petition stands allowed to the aforesaid extent. Rule made absolute accordingly.

csm./ -----

Office is directed to place matter on 19.11.97.